

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

**INTERNATIONAL BUSINESS  
MACHINES CORPORATION,**

**Plaintiff,**

**v.**

**DAVID L. JOHNSON,**

**Defendant.**

**09-CV-4826 (SCR)**

**STIPULATION OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned,  
pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that the above-captioned action is dismissed  
with prejudice.

Dated: April 28, 2010

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SO ORDERED:

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Stephen C. Robinson  
United States District Judge